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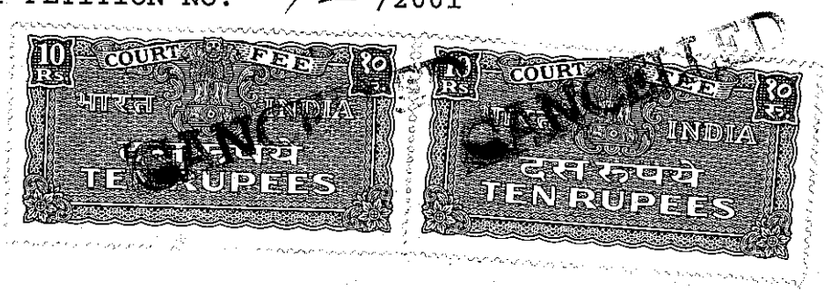
IN THE HIGH COURT OF JUDICATURE AT BILASPUR 5

WRIT PETITION NO. 72 /2001



IN THE MATTER OF

PETITIONERS : 1. GAMBHIRMAL SANKHLA Son of late Daulat Raj Sankhla, Proprietor M/S Gurudeo Rice Mill, aged 42 years, resident of Nayapara Rajim, Distt. Raipur (Chhattisgarh)

VERSUS

RESPONDENTS : 1. THE STATE OF CHHATTISGARH Through the Collector, Raipur

2. THE INSPECTOR GENERAL OF REGISTRATION AND SUPERINTENDENT OF STAMPS, GOVT. OF CHHATTISGARH, presently working at Gwalior.

3. THE DISTRICT REGISTRAR AND COLLECTOR OF STAMPS, Raipur

4. CENTRAL BANK OF INDIA, a body corporate having common seal and perpetual succession having inter alia amongst other branches a branch at Fafadih, Raipur

P. R. No. 58/21
Presented by Shri ...
dated ... 10-4-21

Read

In Charge
Criminal Cases Section
Office of the Advocate General
State of Chhattisgarh
BILASPUR

PETITION UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

DIVISION BENCH

CORAM : HON'BLE SHRI H.L. DATTU, C.J. &
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No. 72 OF 2001

PETITIONER Gambhirmal Sankhla

Versus

RESPONDENTS The State of Chhattisgarh & others

Present : Shri B.P. Sharma, counsel for the petitioner.

Shri Sanjay S. Agrawal, Govt. Advocate for respondents No.1 to 3/ State.

ORAL ORDER
(Passed on 01st March, 2007)

The following oral order of the Court was passed by H.L. Dattu, C.J.

The petitioner in this petition filed under Articles 226 and 227 of the Constitution of India seeking for the following reliefs :

> "It is, therefore, prayed that this Hon'ble Court may be pleased to:-
>
> (a) Issue a writ of and / or in the nature of certiorari quashing the impugned letter (Annexure P-3 addressed by Respondent No.4 to the petitioner.
>
> (b) To issue a writ of and / or in the nature of mandamus commanding and directing the Respondent Nos. 1 to 4 to

forebear from given any and / or further effect to the impugned circular letter / letters Annexure P-1 to P-3 and / or to desist from recovering any additional stamp duty under S.75 of the 1993 Adhiniyam from the petitioners on the class of documents falling under and chargeable to duty under Art.6 (i) of Schedule I-A to the Stamp Act read with remission notification Annexure P-4.

(c) To issue a writ of and / or in the nature of certiorari quashing the impugned circular letters Annexures P.1 and P.2 issued by the Respondent Nos. 2 and 3.

(d) It be declared that demand of additional stamp duty as contained in respondent No.4's impugned letters dated 18.11.2000 is illegal and the petitioners are entitled to use and enjoy the enhance credit facility on the same terms and conditions as were enjoyed by them i.e. without any extra payment of stamp duty as demanded by respondent No.4 vide Annexure P-3.

(e) To issue such further and / or necessary writs and / or to give such further and / or necessary directions and / or to pass such further and / or necessary orders in the nature of writs as may appear to the Hon'ble Court just, fit and appropriate in the facts and circumstances of the present case.

(f) To award full costs of the present proceedings to the petitioners against the Respondents".

(2) Shri B.P. Sharma, learned counsel appearing for the petitioner fairly submits that the issues raised in this petition are no more debatable in view of the order passed by this Court in W.P. No.870 of 1996 and other connected matters.

(3) Taking note of the statement made by learned counsel for the petitioner, this writ petition is also disposed of in the same terms, observations, conditions and directions issued in W.P. No.870 of 1996

Ordered accordingly.

Sd/-
Chief Justice

Sd/-
Vijay Kumar Shrivastava
Judge